

IN THE

Court of Appeal of the State of California

IN AND FOR THE

Fifth Appellate District

F036913 People v. Sharp

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the case is submitted for decision.

F037017 People v. Goumrikian

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the case is submitted for decision.

F035918 People v. Reed

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the case is submitted for decision.

F035466 People v. Kelley

The judgment on the guilt and sanity phases of the trial are reversed. Wiseman, J.

We concur: Dibiaso, Acting P. J.; Buckley, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F035326 People v. Culton

The judgment is affirmed. Wiseman, J.;

We concur: Buckley, Acting P.J.; Levy, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F039674 People v. Calderon

No brief having been filed by appellant after notice duly given under rule 37(b) of the California Rules of Court, IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.

F037874 People v. Gaines

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

IN THE
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F037874 People v. Gaines

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F033445 Bennett et al v. City of Visalia

The judgment in favor of Santos and Sepulveda-Huth on the claims for sexual harassment and constructive discharge are reversed. The judgment in favor of Bennett and Moore is also reversed and remanded for retrial on damages only. If the case is retried, the court shall apply the three-prong test articulated in *Richards v. CH2M Hill, Inc.* In light of our decision, we also reverse that portion of the judgment awarding plaintiffs attorney fees of \$125,000 and pre-offer costs of \$29,597, and awarding the City post-offer costs of \$81,894. Each party shall bear her/its own costs on appeal. Wiseman, J.

We concur: Ardaiz, P.J.; Buckley, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F037504 People v. Howard

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

F037504 People v. Howard

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F003606 People v. Andrews

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.